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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/764,772	01/16/2001	Daniel S. Bricklin	85151.911CPAC	8917

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EXAMINER

FEILD, JOSEPH H

ART UNIT	PAPER NUMBER
2176	

DATE MAILED: 12/03/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/764,772	BRICKLIN ET AL.
	Examiner	Art Unit
	JOSEPH H FEILD	2176

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 16 September 2002.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-69 is/are pending in the application.

4a) Of the above claim(s) 1-39, 43-57 and 61-69 is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 40-42, 58-60 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. _____.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) Notice of References Cited (PTO-892)

4) Interview Summary (PTO-413) Paper No(s). _____.

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

5) Notice of Informal Patent Application (PTO-152)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.

6) Other: _____.

1. This office action is responsive to Amendment B, filed 9/16/02.
2. Claims 1-69 are pending. Claims 40-42 and 58-60 have been elected without traverse. The remaining claims are withdrawn from consideration.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 40-42 and 58-60 are rejected under 35 U.S.C. 102(e) as being anticipated by Gentner (5,724,595).

Regarding independent claims 40 and 58, refer to Gentner's abstract, figures 2-4, and column 2 (line 63) through column 4 (line 19). Gentner discloses:

"creating a link between a first lexia and a second lexia". See abstract, in which he discloses *creating a link in an orginal hypertext document to a target hypertext document.*

"displaying a first lexia in a lexia display window on a display screen". See figure 2 (10).

"displaying a graphical element representing a second lexia in a hypermedia work display window on said display screen". See figures 2 and 3--anchor icon. The "hypermedia work display window includes the entire display (14).

"selecting a location for an activation area for a link in said lexia display window". See figure 2 (16).

"selecting said graphical element in said hypermedia work display window". See column 3 (top), in which he discloses *control icons 18, called the "drag icons", which in the preferred embodiment is a representation of a ship's anchor*. Refer also to column 3 (lines 34-55), in which Gentner discloses *moving the mouse cursor over the drag target in the control area of the target window and pressing the select button on the mouse*.

With respect to the newly added limitation, "wherein said hypermedia display window is configured to **act on** at least said first lexia and said second lexia", the inclusion of both first and second "lexia" (10 and 12 in figures 2 and 3) within the display window (14) of Gentner inherently shows that the window "acts on" the "first and second lexia". The "act" of displaying both first and second "lexia" constitutes "acting on" them.

Regarding dependent claims 41-42 and 59-60, refer to Gentner's figure 3 (20) and column 3 (lines 51-54), in which he discloses "extracting a label", and "said link activation area comprises said label"--*the title of the target page is inserted into the text of the original page at the location of the mouse pointer*.

Response to Arguments

5. Applicant's arguments filed 9/16/02 have been fully considered but they are not persuasive.

Applicant argues that Gentner "does not teach, suggest or describe a hypermedia work display window configured to act on more than one lexia". However, as is argued above under §102(e), "act on" is at least broadly taught by Gentner to include the "act" of displaying both lexia. With further respect to Applicant's argument regarding "more than one lexia", even if "configured to act on" were given a narrower definition, it would have been obvious to one of ordinary skill in the art, under §103, to include several "lexia" as it was notoriously well known to create multiple links between as well as within documents.

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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOSEPH H FEILD whose telephone number is (703) 305-9792. The examiner can normally be reached on Monday-Friday from 8:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, HEATHER HERNDON, can be reached on (703) 308-5186. The fax phone numbers for the organization where this application or proceeding is assigned are:

(703) 746-7238 **(After Final Communication)**

(703) 746-7240 (Status Inquiries, Draft Communication).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.


Joseph H. Feild
Primary Examiner
Art Unit 2176
November 29, 2002